

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment Of Part 21 Of The)
Commission's Rules For Domestic) CC Docket No. 93-2
Public Fixed Radio Services)

TO: THE FEDERAL COMMUNICATIONS COMMISSION:

REPLY COMMENTS OF SOUTHWESTERN BELL CORPORATION

Southwestern Bell Corporation ("SBC") on behalf of its operating subsidiaries, including Southwestern Bell Telephone ("SWBT") a local exchange telephone company and Southwestern Bell Mobile Systems, Inc. ("SBMS"), an affiliated cellular carrier, submits the following Comments in the referenced proceeding.

I. AUTHORITY TO CONSTRUCT AND OPERATE PERMANENT FACILITIES PRIOR TO RECEIVING FINAL AUTHORIZATION GENERALLY SHOULD BE ALLOWED.

As noted in the initial comments, SBC supports an expansion of the Commission's proposed rule revision. This expansion would allow operation of permanent facilities constructed under the temporary-fixed authority ("TFA")

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pending final Commission notification.' SBC supports this
proposal because prior coordination of frequencies is

and other prerequisites, as set out in the Commission's proposed rule relating to pre-authorization construction.

SBC does not support U S West's proposal, however, that applicants for a "blanket" permanent microwave authorization should notify PPMS licensees and applicants who were initially notified as part of the frequency coordination process. So long as the initial notifications of TFAs and STAs are incorporated into a weekly Public Notice, perhaps under a separate section or special designation, this subsequent notification will not be necessary.

SBC also disagrees with U S West that a 28 day notice period for approval of a "blanket" authorization is necessary or appropriate. An additional notice period, therefore, would be largely unnecessary.² Other protections are available to affected parties if necessary.

Like NYNEX and McCaw, SBC supports the proposed temporary-fixed microwave licensing procedures under Parts 21.707 and 21.708 to install permanent point-to-point

²The proposal of BellSouth for a "blanket" authority for new or modified permanent facilities is similar to the approach proposed by U S West. BellSouth proposes that "blanket" authority could be obtained by filing a Form 494 application listing all frequency bands and geographical areas, similar to the process for temporary-fixed licenses. SBC supports this proposal as well, and agrees that the

microwave services.³ As NYNEX points out, construction of PPMS facilities is not complex and takes only about 10 days. Since prior frequency coordination has occurred, the public interest would be harmed, rather than benefitted, by a requirement to wait 60 days or longer to operate facilities.

While Bell Atlantic supports such pre-authorization construction, it declares without support that pre-authorization operation would not be in the public interest. SBC contends that the public interest supports delivery of telecommunications services in an efficient and quality manner. Not providing adequate microwave facilities can only result in blocked calls, dissatisfied customers and an overall degradation of services. Unless some showing is made that pre-authorization operation creates a significant public detriment, given the fact that such operation can occur only when frequency coordination has been completed, the Commission should ignore the Bell Atlantic's unsupported statement. Similarly, Western Tele-Communications, Inc. ("WTCI") claims that pre-authorization operation will not protect the integrity of the frequency coordination process. By the time Form 494 is filed, however, the frequency coordination process has been completed. Potentially affected parties have been notified and given the chance to respond to the proposal at hand. Thus, the "obligation" of the frequency coordination process has been fulfilled. Pre-

³In McCaw Petition at pages 18-21; NPRM, para. 11.

authorized operation of present facilities cannot pose a threat to other carriers. The Commission should allow pre-authorization operation as well as construction.

II. FORM 494 REQUIRES SOME ADDITIONAL CHANGES TO EASE THE ADMINISTRATIVE BURDENS IT CREATES.

WTCI recommends that the "Licensee Qualification," information required by the Commission's proposed Form 494, Item 29, be included in the first application filed by an applicant in a calendar year. Thereafter, WTCI suggests that the information be referred by file number to that first filing. Since Form 430 already accomplishes this process, Item 29 should instead be deleted from the proposed Form 494. As SBC noted in its *Initial Comments*, incorporating the information contained on the present Form 430 into the Form 494 would result in the filing of repetitious Form 494's just to update Item 29 data. Additionally, a \$155 fee will be incurred each time such an update is made, even though no facilities are being constructed. The Commission's proposed changes, as SBC and BellSouth note in their *Initial Comments*, therefore would create an additional burden in terms of paper, time, and cost.

SBC agrees with WTCI that Items 2 through 11 of Form 494 should be incorporated on page 1. SBC disagrees with WTCI that the format of Form 494 should be changed from portrait to landscape, however, because this change would not allow a sufficient number of lines for items 8 through

11. These lines require a listing of several types of antennae and transmitters where multiple paths are used. The use of the portrait format allows more lines for this information.

SBC also disagrees with Bell Atlantic's comment regarding Item 9(f) of Form 494 concerning the azimuth differentials between calculated and actual distance on short paths. Any change in this provision is unnecessary since the present coordination parameters have worked satisfactorily to date. Additionally, Bell Atlantic provides no information as to how and by what methods the corrected azimuths would be communicated to the affected parties.

Since the Commission's proposals regarding Form 494 are designed to minimize administrative burdens, SBC agrees with Comsearch that all technical data required by the form should be confined to the first page, because this expedites the time required to input database parameters. There appears to be sufficient space on the form to incorporate Items 10 and 11 on page 1. SBC also agrees with Comsearch that applicants should be given the choice of utilizing NAD 27 or NAD 83 coordinates by designating on Form 494 as to which are being utilized. Finally, SBC supports the National Spectrum Managers Association ("NSMA") proposal to omit the listing of carriers affected by the frequency coordination process

which occurred prior to the filing of the form. If the affected carriers are omitted, SBC concurs that dates which indicate completion of the frequency coordination process could be noted on the form and further suggests that a letter from the coordinating agency should be included, certifying that the coordination period was successfully completed and stating any restrictions, conditions, or pertinent information relating to frequency coordination.

III. THE BURDENSOME NATURE OF FORM 494A SHOULD NOT BE EXTENDED.

SBC proposed in its *Initial Comments* that Form 494A be eliminated, principally because Form 494 has previously been filed. Companies are not likely to construct facilities without an intention to use them and the Commission has other vehicles available to prohibit the warehousing of frequency. If Form 494A is retained by the rules, however, SBC vehemently opposes the proposal of WTCI that the form be used to give notice to others who own affected facilities, i.e., those who received prior coordination. Some projects may involve as many as 150 or more carriers that were notified during the coordination process. Each of these carriers, of course, can be relied upon to protect their own interest from whatever interference the proposed facility may cause for them. Thus, the time and cost of renotifying these carriers that the facilities have been completed is not reasonable,

especially since these notices will be listed on a Public Notice issued by the Commission.

SBC supports Comsearch's proposal that the Commission revise the rules to require Prior Coordination Notice ("PCN") for all changes, major and minor, primarily as a courtesy to inform affected carriers and to maintain data base integrity to insure accurate interference analysis. SBC strongly opposes, however, Comsearch's proposal to retain the Form 494A since filing this form does not in itself ensure the continued operation of a station for an indefinite period. All participants should assume that unless a licensee notifies the Commission that a project is being abandoned, it is constructed and in service. Notices of cancellation, subsequently placed on Public Notice, would indicate to all industry participants the abandonment of facilities. A requirement that any project be reported to the Commission prior to abandonment would help the Commission ensure that spectrum is not warehoused and also preserve the integrity of the database information which is fundamental to frequency coordination.⁴ For these reasons, SBC agrees with GTE and MCI that notification of the abandonment of facilities is preferred

⁴SBC suggests that the Commission's Staff consider whether conditional licenses will retain their initial file numbers or the numbers will be converted to license numbers by changing the prefix designation to "L" or "ML."

to requiring a Form 494A to notify the Commission that the facilities have been constructed.

IV. MISCELLANEOUS ISSUES.

SBC supports McCaw's rewording⁵ of proposed Rule 21.43(c)(3)(iv) regarding FAA clearance requirements. As SBC pointed out in its *Initial Comments*, the rule changes currently proposed appear to contradict the Commission's intent to allow pre-authorization construction by implying that carriers must await an FCC authorization containing details for marking and lighting requirements previously adopted by the FAA. McCaw's revision eliminates this problem. SBC also agrees with McCaw⁶ that the frequency coordination process provides affected parties with proper notice of proposed facilities. Therefore, the Public Notice need not provide any additional information other than the intent to construct the facilities as coordinated.

V. CONCLUSION.

SBC supports the effort of the FCC and the general tenor of its revisions to Part 21 of the rules governing point-to-point microwave radio service applicants. This project, which is part of a greater effort by the Commission to ease administrative burdens and to expedite the process of providing spectrum-associated telecommunications to the American citizen, is the forward looking type of regulation

⁵*Initial Comments of McCaw* at p. 14.

⁶*Initial Comments of McCaw* at p. 18.

which SBC generally supports. SBC's suggestions to modify the Commission's proposals would move the rules in the direction of greater reliance upon marketplace participation and especially upon the frequency coordination process, which has proven in the past to be an effective policing mechanism.

Respectfully submitted,
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April 16, 1993

CERTIFICATE OF SERVICE

I, Paula J Fulks, hereby certify that copies of the foregoing Reply Comments Of Southwestern Bell Corporation have been served by first class United States mail, postage prepaid, on the parties listed on the attached.



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